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AXIS SURPLUS INSURANCE COMPANY

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 CENTEX HOMES, a Nevada general partnership,
12 Plaintiff,
13 v.

14 FINANCIAL PACIFIC INSURANCE
COMPANY, a California corporation; EVEREST
15 NATIONAL INSURANCE COMPANY, a
Delaware corporation; ST. PAUL FIRE AND
16 MARINE INSURANCE COMPANY, a
Connecticut corporation; ARCH SPECIALTY
17 INSURANCE COMPANY, a Nebraska
corporation; INTERSTATE FIRE & CASUALTY
18 COMPANY, an Illinois corporation;
LEXINGTON INSURANCE COMPANY, a
19 Delaware corporation; NAVIGATORS
SPECIALTY INSURANCE COMPANY, a New
20 York corporation; FEDERAL INSURANCE
COMPANY, an Indiana corporation; FIRST
21 MERCURY INSURANCE COMPANY, an
Illinois corporation; FIRST SPECIALTY
22 INSURANCE CORPORATION, a Missouri
corporation; and AXIS SURPLUS INSURANCE
23 COMPANY, an Illinois corporation,

24 Defendants.
25

26 AND RELATED COUNTERCLAIMS AND
CROSS-CLAIMS.
27
28

Case No. 2:19-CV-01284-JCM-VCF

**STIPULATION AND
ORDER TO DISMISS WITH
PREJUDICE DEFENDANT AXIS
SURPLUS INSURANCE COMPANY**

1 It is hereby STIPULATED by and between plaintiff and counterclaim defendant Centex
 2 Homes ("Centex") and defendant and cross-defendant AXIS Surplus Insurance Company ("AXIS")
 3 that Centex' claims against AXIS be dismissed with prejudice pursuant to Federal Rule of Procedure
 4 41(a)(2), each party to bear its own attorneys' fees and costs.

5 Dated: May 10, 2021

COZEN O'CONNOR

6 By: /s/ Michael W. Melendez

7 Michael W. Melendez
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 9 COZEN O'CONNOR
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11 Attorneys for Defendant
 12 AXIS SURPLUS INSURANCE COMPANY

13 Dated: May 17, 2021

PAYNE & FEARS LLP

14 By: /s/ Sarah J. Odia

15 Sarah J. Odia
 16 Nevada Bar No. 11053
 17 PAYNE & FEARS
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19 Attorneys for Plaintiff and Counterclaim
 20 Defendant CENTEX HOMES

21 **ORDER**

22 It is hereby ORDERED that plaintiff and counterclaim defendant Centex Homes' claims
 23 against defendant and cross-defendant AXIS Surplus Insurance Company are DISMISSED WITH
 24 PREJUDICE, each side to bear its own fees and costs.

25 Dated: May 17, 2021.

26 
 27 THE HONORABLE JAMES C. MAHAN
 28 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Cozen O'Connor, 101 Montgomery Street, Suite 1400, San Francisco, CA 94104.

On May 17, 2021, I served the following document:

**STIPULATION AND [PROPOSED] ORDER TO DISMISS WITH
PREJUDICE DEFENDANT AXIS SURPLUS INSURANCE COMPANY**

in the matter of *Centex Homes v. Financial Pacific Insurance Company, et al.*, United States District Court, District of Nevada, Case No. 2:19-cv-01284, in the following manner:

☒ **By electronic service.** Pursuant to Local Rule LR IC 4-1 of the United States District Court for the District of Nevada, the above-referenced document was electronically filed and served on all appearing parties through the Notice of Electronic Filing automatically generated by the Court.



Erika Calderon